

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22643

PERMIT 15485

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
REDUCTION IN AMOUNT, SEASON, IN THE NUMBER
OF SOURCES, AND PURPOSE OF USE, DELETION OF ONE
POINT OF DIVERSION AND TERM 14, CORRECTION IN THE
DESCRIPTION OF TWO POINTS OF DIVERSION AND
THE PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.
3. A number of reductions, deletions and corrections are being made in the permit as a result of recommendations made by the Board's engineer when he inspected the site in 1984.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1990

2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1996

3. Paragraph 2 of this permit regarding points of diversion is amended to read as follows:

1. Unnamed Spring - North 2,650 feet and East 1,300 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18.

2. Unnamed Spring - (aka Cascade Spring) - North 2,700 feet and East 800 feet from SW corner of Section 18, T40N, R3W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 18. Both springs are tributary to unnamed streams thence Big Canyon Creek thence Sacramento River.

4. Paragraph 3 of this permit regarding the place of use is amended as follows:

At Tip Top Reservoir within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, T40N, R3W, MDB&M, as shown on map on file with State Water Resources Control Board.

5. Paragraph 4 of this permit regarding purposes of use is amended to read as follows:

Recreation, stockwatering and fire protection

6. Paragraph 5 of this permit regarding the amount and season is amended as follows:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 17 acre-feet per annum by storage to be collected from September 1 of each year to June 15 of the succeeding year.

The maximum rate of diversion to offstream storage shall not exceed 1 cubic foot per second.

7. Paragraph 14 of this permit is deleted.

8. Paragraph 16 is added to this permit as follows:

After the initial filling of the storage reservoir, permittee's right under this permit extends only to water necessary to keep the reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

9. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:


Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated:

APRIL 29 1986


Iloy Johnson, Interim Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22643

PERMIT 15485

LICENSE _____

ORDER APPROVING A CHANGE IN SEASON OF
DIVERSION AND A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. The season of diversion is amended to read as follows:
 - a) Direct diversion from September 1 to June 15
 - b) Storage from September 1 to June 15
2. Standard Water Right Permit Term 91 is added to the permit as follows:

"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

Dated: JULY 2 1984

(000 0091)

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22643

PERMIT 15485

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED
ON OR BEFORE

DECEMBER 1, 1983

APPLICATION OF THE WATER TO THE PROPOSED USE
SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1983

2. Paragraph 11 of the permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

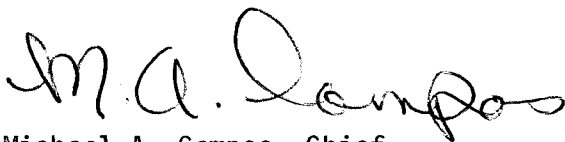
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and

(6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

3. Paragraph 15 be added to the permit as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Dated: AUGUST 22 1979

A handwritten signature in dark ink, appearing to read "M.A. Campos", is written over the typed name.

Michael A. Campos, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Permit 15485

Application 22643

WHEREAS the State Water Resources Control Board has found that the change in point of diversion under Permit 15485, for which petition was submitted on July 10, 1972, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said point of diversion in accordance with said petition;

NOW, THEREFORE, IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Permit 15485 to read as follows, to wit:

- (1) ~~MCGINNIS SPRING - NORTH 3,000 FEET AND WEST 800 FEET FROM SE CORNER OF SECTION 8, T40N, R3W, MDB&M, BEING WITHIN SE¼ OF NE¼ OF SAID SECTION 8.~~ *See Memo 7/3/79*
- (2) UNNAMED STREAM - NORTH 2,000 FEET AND EAST 700 FEET FROM SW CORNER OF SECTION 30, T40N, R3W, MDB&M, BEING WITHIN NW¼ OF SW¼ OF SAID SECTION 30.
- (3) UNNAMED SPRING - NORTH 2,500 FEET AND EAST 1,200 FEET FROM SW CORNER OF SECTION 18, T40N, R3W, MDB&M, BEING WITHIN NW¼ OF SW¼ OF SAID SECTION 18.
- (4) UNNAMED SPRING - NORTH 2,500 FEET AND EAST 1,600 FEET FROM SW CORNER OF SECTION 18, T40N, R3W, MDB&M, BEING WITHIN NE¼ OF SW¼ OF SAID SECTION 18.

Dated: DEC 14 1972

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

PERMIT 15485

APPLICATION 22643

WHEREAS A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD; AND

WHEREAS IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME; AND

WHEREAS THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS TO SIGN THIS ORDER;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1974

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE DECEMBER 1, 1974

IT IS FURTHER ORDERED THAT THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 15485 BE LIMITED TO 107 ACRE-FEET, AND PARAGRAPH 11 OF THE PERMIT IS AMENDED TO READ AS FOLLOWS:

"ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. PERMITTEE SHALL TAKE ALL REASONABLE STEPS NECESSARY TO MINIMIZE WASTE OF WATER, AND MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. AT ANY TIME AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THE BOARD MAY IMPOSE SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT, WITH A VIEW TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE."

DATED: DEC 14 1972

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

[illegible]

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL. 60637

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15485

Application 22643 of Robert M. O'Brien and Edith O'Brien

(over)

Box 11, Dunsmuir, California 96025

filed on November 22, 1966, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Name of source(s):

Tributary to:

(a) ~~McGinnis Springs~~ See Memo 7/3/79

(a) Unnamed stream thence

~~XXX~~

~~XXX~~

Big Canyon Creek

~~XXX~~ (b) Unnamed stream

~~XXX~~

(b) Big Canyon Creek

~~XXX~~ (c) Big Canyon Creek

~~XXX~~

(c) Sacramento River

(e)

(e)

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>Diversion</u> (a) N 3,000' and W 800' from SE corner of Sec. 8	SE 1/4 of NE 1/4	8	40N	3W	MD
<u>Rediversion and storage</u> (b) N 2,000' and E 700' from SW corner of Sec. 30	NW 1/4 of SW 1/4	30	40N	3W	MD
<u>Diversion</u> (c) N 1,000' from SW corner of Section 18	SW 1/4 of SW 1/4	18	40N	3W	MD
(d)	1/4 of 1/4				
(e)	1/4 of 1/4				

County of Siskiyou

3. Place of use: Tip Top Lake in NW 1/4 of SW 1/4 of Section 30, other uses in SE 1/4 of NE 1/4 of Section 8, both in T40N, R3W; also in SE 1/4 of SE 1/4 of Section 24, T40N, R4W, MDB&M. Irrigation of 154 acres with 31 acres in SE 1/4 of SW 1/4, 40 acres in SW 1/4 of SW 1/4, and 38 acres in NW 1/4 of SW 1/4 of Section 30, T40N, R3W; 35 acres in NE 1/4 of NE 1/4 and 10 acres in SE 1/4 of NE 1/4 of Section 36, T40N, R4W, MDB&M, as shown on map filed with the State Water Rights Board.

4. Purpose(s) of use: domestic, irrigation, stockwatering and recreational

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 1 cubic foot per second by direct diversion to be diverted as listed below and 17 acre-feet per annum by storage to be collected from about September 1 of each year to about June 30 of the succeeding year.

(a) Diversion from January 1 to December 31 of each year from Medicine Spring, Ind. Diversion from about March 1 to about June 30 and from about September 1 to about October 31 of each year for irrigation and from about September 1 of each year to about June 30 of the succeeding year as required for domestic purposes from Big Canyon Creek.

(c) Total amount by direct diversion to use from all points of diversion or the rate of diversion to offstream storage shall not exceed 1 cubic foot per second.

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.

7. Actual construction work shall begin on or before June 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

8. Said construction work shall be completed on or before December 1, 1970.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1971.

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

12. Permittee shall allow representatives of the State Water Rights Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

13. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

14. The State Water Rights Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any water for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEP 29 1967

STATE WATER RIGHTS BOARD

Executive Officer

Z. A. McFee

P. 15485

11-29-84 Asgd to MountainSide Water Company